

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

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|----------------------------------|---|------------------------|
| BILLY J. TUCKER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. CIV-14-356-FHS-KEW |
| |) | |
| CAROLYN W, COLVIN ¹ , |) | |
| Acting Commissioner Social |) | |
| Security Administration, |) | |
| |) | |
| Defendant. |) | |

ORDER

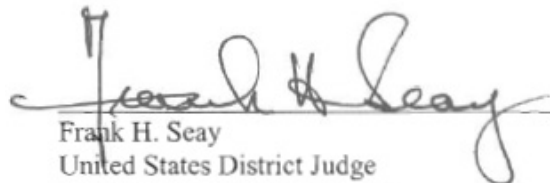
On September 10, 2015, the United States Magistrate Judge for this District filed a Report and Recommendation in this case. No objection was filed to the Report and Recommendation. As a result, the Report and Recommendation is deemed confessed.

The Report and Recommendation suggests that the case be **REVERSED AND REMANDED** for further administrative proceedings. This Court finds the Report and Recommendation of the Magistrate Judge applied the proper standards and documents numerous references to the record which support the recommendation of the Magistrate Judge that the Secretary's decision be **REVERSED AND REMANDED**.

¹The Court has been informed by Defendant that on February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. Pursuant to Rule 25 (d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is automatically substituted for Michael J. Astrue as the defendant in this action. Thus, this suit will proceed with this substitution in effect. See 42 U.S.C. Sec. 405 (g) ("Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.")

Upon consideration of the entire record and the issues herein, this Court finds and orders that the Report and Recommendation of the United States Magistrate Judge be **SUSTAINED** and adopted by this Court as this Court's Findings and Order. Accordingly, this case is **REVERSED AND REMANDED** to the defendant under the fourth sentence of 42 U.S.C. §405(g) for proceedings consistent with this order.

IT IS SO ORDERED this 28th day of September, 2015.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma